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December 12, 2012

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Streamlined “Financial Hardship” Waiver  
Implementation of the CALM Act (Docket No. 11-93)  
Midessa Television, LP  
KWES-TV, Odessa, Texas (FID: 42007)

Attn: Chief, Video Services Division, Media Bureau

Dear Ms. Dortch:

Midessa Television, LP (“Midessa”) licensee of KWES-TV (FID: 42007)(the “Station”), by its attorney, hereby requests a streamlined one-year waiver of the Station’s requirement to comply with the Commercial Advertising Loudness Mitigation (“CALM”) Act and the Commission’s rules implementing the CALM Act.<sup>1</sup> Midessa also seeks a waiver of applicable Commission rules to submit this request after the filing deadline.

The *Order* implementing the CALM Act provides that “small broadcast stations” may seek a streamlined financial hardship waiver if they satisfy two requirements: 1) the station meets the Commission’s definition of “small” (defined as stations having no more than \$14 million in annual receipts); and 2) the station needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.<sup>2</sup> The Station satisfies both of these standards.

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<sup>1</sup> *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, Report and Order, 26 FCC Rcd 17,222 (2011) (“*Order*”). The waiver provisions are set forth in Paragraphs 49-58 of the *Order*.

<sup>2</sup> *Id.* ¶¶ 52 – 53.

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Specifically, because the Station has annual receipts of less than \$14 million, it qualifies as a “small broadcast station,” thus satisfying the first prong of the waiver requirement. Moreover, because the expense of purchasing CALM-compliant equipment would impose a financial burden on the Station and its owner, this request satisfies the second prong of the waiver as well. In this instance, the Station operates as a satellite station, carrying the programming of another station. Although equipment has been successfully installed equalizing the volume of all content on the primary station, Midessa just determined that additional limiting equipment would need to be installed to equalize the volume on the Station’s programming. Installing the additional equipment before the current compliance deadline would cause financial hardship to the licensee.

The Declaration of Larry Patton, Vice President of Broadcast, is attached and incorporated herein. The Declaration states that the annual receipts of the Station are less than \$14 million.

For the foregoing reasons, Midessa respectfully requests a one-year “financial hardship” waiver under the Commission’s streamlined waiver requirements available to small broadcast stations.

Respectfully submitted,

Midessa Television, LP

/s/\_\_\_\_\_  
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### DECLARATION

I, Larry Patton, am the Vice President of Broadcast for Midessa Television, LP.

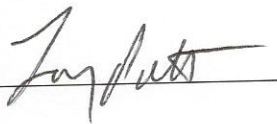
I have reviewed the foregoing petition and certify that the information contained in the petition is accurate and complete.

I hereby certify that the annual receipts for KWAB-TV are less than \$14 million. The station requires a waiver of one year to avoid the financial hardship that would otherwise be imposed if the station was required to purchase equipment that complies with CALM Act requirements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 12, 2012

\_\_\_\_\_  
Larry Patton

A handwritten signature in cursive script, appearing to read "Larry Patton", is written over a horizontal line.